



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Applicant: Schumacher, Edward W.

Examiner: Pratt, H.

Application No.: 09/333,442³

Art Unit: 1761

Filing Date: 06/14/99

RECEIVED
MAY 24 2000
TO 1700 MAIL ROOM

DECLARATION UNDER 37 CFR 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

I, EDWARD W. SCHUMACHER, declare under penalty of perjury:

I make this declaration in response to the rejection of
product claims 8-12.

It is important to understand that the peanut butter blend
made according to my method as claimed in my application for
letters patent differs significantly from all peanut butter blends
of the prior art. One way my blend differs is in its
spreadability. The hydrogenated peanut butter blends all have high
viscosity and are so thick and difficult to spread with a knife
onto bread, that one often tears the bread in attempting to spread
it. The non-hydrogenated, so-called "natural" peanut butter blends
of the prior art tend to have lower viscosity but suffer from
gravitational separation of the oil and proteinaceous phases, and,
if refrigerated to avoid separation as is often done, they tend to
have a higher viscosity and even lower spreadability than
hydrogenated blends. Peanut butter blends made according to my
method, however, provide the best of both worlds: that is, one
avoids the gravitational separation problem and at the same time
achieves excellent spreadability. That is, my blends spread
easily, smoothly, onto bread without tearing of the bread. My
blends have approximately the consistency of thick, fruit jam, and,
in at least one of its properties it is closer to fruit jam than to

MILES WAY COYNE, PLLC
Attorneys at Law
905 - 24th Way SW, Ste. B-3
Olympia, WA 98502
360/943-7713

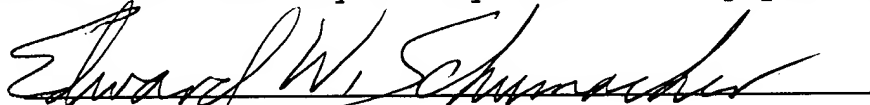
1 prior art peanut butters in that it is noticeably less adhesive
2 when applied to a spreading knife or to bread.

3 A second way in which my peanut butter blends differ from
4 prior art blends is in its ability to bind fats and lipids. The
5 chitosan has a high affinity for, and ability to bind, fatty acids
6 and lipids so that they are not released into the digestive tract.
7 This is a highly prized food characteristic among nutritionally
8 conscious persons, particularly those concerned with the adverse
9 effects of trans fatty acids on the human circulatory system. This
10 fat binding characteristic has other observed benefits as well.
11 Consumption of my peanut butter blends promotes easy bowel
12 elimination, reducing possibility for bowel irritation,
13 constipation, straining to eliminate and consequent hemorrhoids.
14 From my research of prior art peanut butter blends, I am able to
15 conclude that none can claim these benefits.

16 If it would help in understanding this description of the
17 above-related, objective characteristics of my blends, I can offer
18 samples of my peanut butter blends to the United States Patent and
19 Trademark Office.

20 I hereby declare that all statements made herein of my own
21 knowledge are true and that all staement made on information and
22 belief are believed to be true; and further that these satemtns
23 were made with the knowledge that willful false statements and the
24 like so made are punishable by fine or imprisonment, or both, under
25 Section 1001 of Title 18 of the United States Code, and that such
26 willful false statements may jeopardize the validity of the
27 application of any patent issued thereon.

28 Executed this 15th day of May 2000, at Olympia, Washington.


EDWARD W. SCHUMACHER